

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Hempstead et al.)
Serial No. : 09/830,520, based on PCT/US99/25365)
Cnfrm No. : 9715)
Filed : October 29, 1999)
For : METHODS FOR REGULATING)
ANGIOGENESIS AND VASCULAR)
INTEGRITY USING TRK RECEPTOR LIGANDS)

Examiner:
G. Nickol

Art Unit:
1642

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TRANSMITTAL LETTER

U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22201
BOX:


Sir:

Transmitted herewith is a Response to Restriction Requirement and Election of Species
(2 pages) in the above-identified application. Also enclosed are:

- ☒ Applicant claims small entity status. (See 37 CFR 1.27.)
- ☒ A self-addressed, prepaid postcard for acknowledging receipt.
- ☒ The Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 14-1138.

A duplicate copy of this sheet is enclosed.

Date: October 17, 2002


Georgia Evans
Registration No. 44,597

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Docket No.: 19603/2595 (CRF D-2400)

PATENT

Election/ #7
J 10.29.02

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Serial No. :	09/830,520, based on PCT/US99/25365)	
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For :	METHODS FOR REGULATING)	
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)	

RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES

U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22201
BOX:

Dear Sir:

In response to the September 17, 2002, written restriction requirement, applicants hereby elect Group 4 (i.e., claims 7-16, 18-19, 26-27, and 29-30), drawn to a method for treating a pathological disorder in a patient comprising administering a nucleic acid sequence encoding a trk receptor ligand, with traverse.

However, applicants submit that all groups of invention identified in the outstanding office action are so linked as to form a single general inventive concept. In particular, there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature, i.e., delivering a trk receptor ligand or an inhibitor thereof, or monitoring the presence/activity related to a trk receptor ligand. At a minimum, applicants assert that the claims of Groups 1-8, which relate to administering a trk receptor ligand, or an inhibitor thereof, and especially, the claims of Groups 1-4, most specifically, Groups 2 and 4, which relate specifically to delivering a nucleic acid sequence encoding a trk receptor ligand, share a common special technical feature.

The U.S. Patent and Trademark Office ("PTO") asserts that unity of invention between different categories of invention will only be found to exist if specific combinations of inventions are present. Moreover, the PTO states that the allowed combinations do not include multiple methods as claimed in the above-identified application. Applicants respectfully disagree. In particular, the combinations of different categories of claims set

forth in the Restriction Requirement are "illustrations of particular situations" described in Annex B, Part 1 of the PCT Administrative Instructions ("Administrative Instructions") (set forth in Appendix AI of the Manual of Patent Examining Procedure, 2001). The Administrative Instructions do not prohibit other combinations of categories of claims, but rather explain "in greater detail . . . the method for determining unity of invention under Rule 13" for combinations of different categories of claims. Accordingly, in view of the above remarks, the restriction requirement is improper and no benefit is derived from maintaining the restriction requirement. Therefore, withdrawal of the restriction requirement is respectfully requested.

Further, in response to the election of species requirement, applicants hereby elect: (1) brain derived neurotrophic factor, and (2) atherosclerosis. Claims reading on the elected species include claims 7, 9, 10, 14, 16, 18, 19, 26, 29, and 30.

Applicants hereby traverse the election of species requirement on the ground that the species relate to a single inventive concept.

Applicants submit that, at a minimum, the elected subject matter is allowable and, therefore, the claims should be examined to the extent of the presently claimed genus.

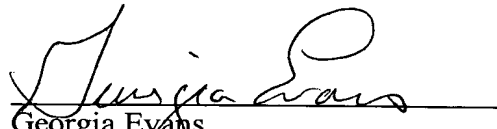
Applicants further submit that this case is in condition for allowance and such allowance is earnestly solicited.

In view of the foregoing, applicants submit that the claims of Groups 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 should be examined on the merits at this time.

Respectfully submitted,

Date:

October 17, 2002


Georgia Evans
Registration No. 44,597

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EXPRESS MAIL CERTIFICATE

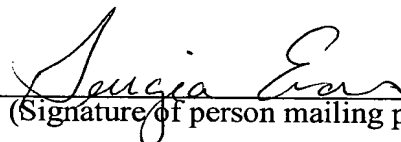
DOCKET NO. : 19603/2595 (CRF D-2400)
APPLICANT(S) : Hempstead, et al.
TITLE : METHODS FOR REGULATING ANGIOGENESIS AND
VASCULAR INTEGRITY USING TRK RECEPTOR LIGANDS

Certificate is attached to the **Transmittal Letter (1 page)** of the above-named application.

"EXPRESS MAIL" NUMBER: EL644490304US
DATE OF DEPOSIT: October 17, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, Virginia 22202.

Georgia Evans
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paper or fee)


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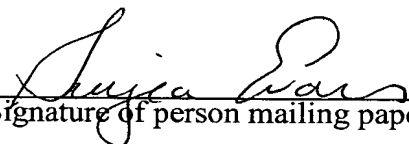
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Georgia Evans
(Typed or printed name of person mailing
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